

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
MATTHEW DEROCHA,**

**Plaintiff,**

**5:18-cv-1052  
(GLS/ATB)**

**v.**

**NORTH SYRACUSE POLICE,**

**Defendant.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR PLAINTIFF:**

**MATTHEW DEROCHA**  
Plaintiff *Pro Se*  
1074 South Clinton Street  
Syracuse, New York 13202

**Gary L. Sharpe**  
**Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following an Order and Report-Recommendation by Magistrate Judge Andrew T. Baxter duly filed on September 12, 2018. (Dkt. No. 5.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.<sup>1</sup>

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<sup>1</sup> Plaintiff filed no objections; however, he submitted an "Amended Complaint," (Dkt. No. 11), which will be addressed by Judge Baxter in due course.

No objections having been filed, and the court having reviewed the Order and Report-Recommendation for clear error, it is hereby

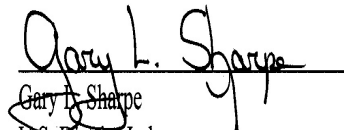
**ORDERED** that the Order and Report-Recommendation (Dkt. No. 5) is **ADOPTED** in its entirety; and it is further

**ORDERED** that the complaint (Dkt. No. 1) is **DISMISSED WITHOUT PREJUDICE** to plaintiff submitting a proposed amended complaint for the court's review, which has previously been filed (Dkt. No. 11); and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

October 29, 2018  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge